REMARKS

Claims 9-11, 13-16 and 21 remain pending in this application. Entry of the amendments and reconsideration of the patent application is respectfully requested.

Claim 9 was rejected under 35 USC §102(e) as anticipated by Zhang et al. (US 2002/0103455 A1). The Examiner asserts that the reference discloses a balloon catheter comprising a soft polymer blended and crosslinked with a multifunctional agent, so that the balloon exhibits compliant radial expansion to a desired working diameter within a first pressure range, and substantially less expansion above the first pressure range. Applicant respectfully traverses. First and foremost, the reference **does not** suggest use of a multifunctional agent and therefore, a multifunctional agent cannot possibly end up in the resulting balloon **structure** as is claimed. The reference merely recites polyolefinic polymers as examples of polymers that are preferably crosslinked with no mention of multifunctional agents to participate in such crosslinking. Secondly, the cited reference does not suggest that the described balloon exhibits compliant radial expansion to a desired working diameter within a first pressure range and substantially less expansion above the first pressure range. What is unequivocally stated at [0045], lines 10-15 is that the balloon will expand in a controlled manner to a reproducible diameter in response to **a given inflation pressure**. No suggestion is made that the balloon will have a compliance above such given inflation pressure that is less than the compliance below such inflation pressure.

With regard to the Examiner's response to the applicant's arguments that "a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art", it is respectfully submitted that such structural difference is in fact present. The balloon of the present invention includes a multifunctional agent in its chemical **structure** while the balloon of the cited art does not. The Examiner goes on to assert that "if the prior art structure is capable of performing the

intended use, then it meets the claim. As was pointed out above, the cited reference is apparently not capable of performing the intended use as no suggestion is made that the described balloon is capable of exhibiting a **change** in compliance at a particular pressure. Instead, the reference merely states that a reproducible diameter is achieved at a given inflation pressure. Finally, in response to the Examiner's assertion that a manipulative difference must result from a (product by) process, it is again submitted that the resulting compliance change at a particular pressure in fact comprises such a manipulative difference that is not seen in the prior art device. It is therefore respectfully submitted that anticipation is clearly precluded and in view of the lack of any suggestion that a multifunctional agent can be relied upon to achieve a change in compliance in order to control inflation size, obviousness is similarly avoided.

Claims 10, 15 and 16 were rejected under 35 USC §102(e) as obvious over Zhang et al. in view of Gilson et al. (US 2002/0062133 A1). Claims 12 and 21 were rejected under 35 USC §103(a) as obvious over Zhang et al. in view of Gilson and further in view of Samson et al. (U.S. Patent No. 6,090,099). Independent claim 10 has been amended to incorporate the limitations of claim 12 so as to specify that the longitudinally oriented stiffening zones are defined by selectively cross-linked sections of the balloon. As was conceded by the Examiner, neither Zhang et al. nor Gilson suggest longitudinally extending stiffening zones. It is respectfully submitted that Samson et al. fails to do so as well. The cross-linked polymer referred to in the reference and cited by the Examiner (column 6, lines 23-31) comprises the entire outer layer 208 which appears to be devoid of any discernible "zones", let alone zones distinguishable on the basis of cross-linking. As such, the teaching merely provides for a rather conventional structure wherein a cross-linked material is added to an underlying layer of another material. In light of the complete absence of any suggestion that zones of cross-linking may be used to control the inflation characteristics of a balloon, it is respectfully submitted that obviousness is effectively avoided.

Claim 11 was rejected under 35 USC §103(a) as obvious over Zhang et al. in view of Gilson et al. and further in view of Engelson et al. (U.S. Patent No. 5,312,356). It is respectfully submitted that the patentability of the underlying independent claim 10 as argued above precludes a finding of obviousness of any claims depending therefrom.

Claims 13 and 14 were rejected under 35 USC §103(a) as obvious over Zhang et al. in view of Chen et al. (U.S. Patent No. 5,565,523). It is respectfully submitted that the patentability of the underlying independent claim 10 as argued above precludes a finding of obviousness of any claims depending therefrom.

In light of the above remarks, applicants earnestly believe the application to now be in condition for allowance and respectfully request that it be passed to issue.

Respectfully submitted,

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